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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,304	07/01/2004	Jui-Chiang Lin	LITP0016USA	4303

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EXAMINER	
SHEN, KEZHEN	

ART UNIT	PAPER NUMBER
2609	

NOTIFICATION DATE	DELIVERY MODE
08/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/710,304	LIN ET AL.	
	Examiner	Art Unit	
	Kezhen Shen	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters; prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-14 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-6, 8-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Andrews et al. 5,974,016.

Regarding claim 1, Andrews et al. teach a feed-and-eject disc device of an optical disc drive (10 of Fig. 1, Col 3 Line 1 The reader), comprising: a housing (12 of Fig. 1, Col 3 Line 1 a housing) having an opening (18 of Fig. 1, Col 3 Line 5-6 tray opening at the front of the housing); a driving device (20 of Fig. 1, Col 3 Line 7-8 tray drive motor) for feeding a disc into the housing or ejecting the disc to a pickup position through the opening (Col 3 Line 7-8 for moving the tray between positions); and a logic unit (21 of Fig. 1, Col 3 Line 8-9 a tray control microprocessor) for controlling the driving device to feed the disc into the housing when the time in which the disc has stayed at the pickup position reaches a predetermined time (Col 4 Line 51-57 the routine for performing the automatic tray control method is under the control of the tray control microprocessor).

Regarding claim 2, Andrews et al. teach the feed-and-eject disc device of the optical disc drive of claim 1, further comprising a photosensor (22 of Fig. 1, Col 3 Line 9-10 a tray position sensor) for detecting whether the disc is located at the pickup position (Col 3 Line 9-10 for sensing whether the tray is open or closed).

Regarding claim 3, Andrews et al. teach the feed-and-eject disc device of the optical disc drive of claim 1, wherein the logic unit (21 of Fig. 1, Col 3 Line 8-9 a tray control microprocessor) is a hardware circuit or software code stored in a memory (It is obvious to one of ordinary skill in the art the microprocessor is part of a hardware circuit).

Regarding claim 5, Andrews et al. teach the feed-and-eject disc device of the optical disc drive of claim 1, wherein the driving device further comprises a tray (14 of Fig. 1, Col 3 Line 1-2 a disc loading tray) for supporting the disc to feed the disc into the housing or to eject the disc to the pickup position (Col 3 Line 2-4 the tray is movable relative to the housing between the illustrated open or extended position and a closed or retracted position).

Regarding claim 6, Andrews et al. teach a method for controlling an optical disc drive to feed and to eject a disc (Figs. 4 and 5, Col 4 Line 50-57 FIG. 5 is a flow chart of a routine for carrying out the state changes of FIG. 4 and for performing the automatic tray control method of the present invention) comprising: when a disc is ejected to a pickup position (82 of Fig. 5), starting to count a time in which the disc stays at the pickup position (90 of Fig. 5); and when the time in which the disc has stayed at the

pickup position reaches a predetermined time (92 OF Fig. 5), feeding the disc into the optical disc drive (94 of Fig. 5).

Regarding claim 8, Andrews et al. teach the method of claim 6, wherein the optical disc drive is used for driving a tray to eject to the pickup position (Col 3 Line 2-10 the tray is movable relative to the housing between the illustrated open or extended position and a closed or retracted position, a tray drive motor for moving the tray between positions).

Regarding claim 9, the limitations have been analyzed and rejected with respect to claims 1 and 5 above.

Regarding claim 10, the limitations have been analyzed and rejected with respect to claim 2 above.

Regarding claim 11, the limitations have been analyzed and rejected with respect to claim 3 above.

Regarding claim 13, the limitations have been analyzed and rejected with respect to claim 6 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4,7,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. 5,974,016 as applied to claims 1,6,9 and 13 above, and further in view of Wang et al. US 2003/0174639 A1.

Regarding claim 4, Andrews et al. fail to teach the feed-and-eject disc device of the optical disc drive of claim 1, wherein the disc is a CD-R disc, a CD-RW disc, a DVD-R disc, a DVD+R disc, a DVD-RW disc, a DVD+RW disc, or a HD-DVD disc. However, Wang et al. does.

Wang et al. teach the feed-and-eject disc device of the optical disc drive, wherein the disc is a CD-R disc, a CD-RW disc, a DVD-R disc, a DVD+R disc, a DVD-RW disc, a DVD+RW disc, or a HD-DVD disc (Wang et al. [0005] Normally, the widely used optical discs are the CD (Compact Disc) family, such as CD-ROM, CD-R (Recordable),CD-RW (Rewritable), etc. The second generation of optical discs are the DVD (Digital Versatile Disc) family, such as DVD-R, DVD-RW, DVD-RAM, etc. As for the next generation of optical discs, like HD-DVD, etc., which is well known in development). Therefore, one of ordinary skill in the art would be motivated to combine

the teachings of Andrews et al. and Wang et al. as a whole to allow discs such as a CD-R disc, a CD-RW disc, a DVD-R disc, a DVD+R disc, a DVD-RW disc, a DVD+RW disc, or a HD-DVD disc in the optical disc drive for the benefit accessing a multitude of disc each with their own unique features.

Regarding claim 7, the limitations have been analyzed and rejected with respect to claim 4 above.

Regarding claim 12, the limitations have been analyzed and rejected with respect to claim 4 above.

Regarding claim 14, the limitations have been analyzed and rejected with respect to claim 4 above.

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does

not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday - Friday 7:30 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/

VU LE
SUPERVISORY PATENT EXAMINER